

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KENNETH R. HEATH,

Defendant.

}

8:06cr295

ORDER

Defendant Kenneth R. Heath (Heath) appeared before the court on November 20, 2015, on the Petition for Warrant or Summons for Offender Under Supervision (Petition) (Filing No. 72). Heath was represented by Assistant Federal Public Defender Julie B. Hansen and the United States was represented by Assistant U.S. Attorney Thomas J. Kangior. Through his counsel, Heath waived his right to a probable cause hearing on the Petition pursuant to Fed. R. Crim. P. 32.1(a)(1). I find that the Petition alleges probable cause and Heath should be held to answer for a final dispositional hearing before Senior Judge Lyle E. Strom.

The government moved for detention. A detention hearing was held. Since it is Heath's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a flight risk nor a danger to the community, the court finds Heath has failed to carry his burden and that Heath should be detained pending a dispositional hearing before Senior Judge Strom.

IT IS ORDERED:

1. A final dispositional hearing will be held before Senior Judge Lyle E. Strom in Courtroom No. 5, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, **at 9:00 a.m. on January 7, 2016**. Defendant must be present in person.

2. Defendant Kenneth R. Heath is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;

3. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and

4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 20th day of November, 2015.

BY THE COURT:

s/ Thomas D. Thalken

United States Magistrate Judge